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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,174	07/29/2003	A. Bruce Plumley	G48-1383-1-1	7174
7590 02/17/2005				
Richard R. Michaud McCormick, Paulding & Huber LLP CityPlace II 185 Asylum Street Hartford, CT 06103		EXAMINER PRONE, JASON D		
		ART UNIT 3724 PAPER NUMBER		
DATE MAILED: 02/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/629,174	PLUMLEY, A. BRUCE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason Prone	3724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/25/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: On lines 6-7, the phrase "said support surface, a carriage mounted to the table" is unclear. It is assumed that the support surface was supposed to be "mounted on the table". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerent et al. (2001/0045148) in view of Plumley et al. (2004/0055691). Gerent et al. (2001/0045148) discloses the invention including providing a layer of sheet-type work material (13) carried by a support surface (44), providing a scanning and cutting table (36), a carriage mounted to the table for movement back-and-forth in a first coordinate direction in response to commands issued from a controller (52), a cutting head (56) and a scanning head (30) mounted on the carriage (Fig. 1), each for movement independently of the other back-and-forth along the carriage in response to commands issued from the controller in a second coordinate direction approximately perpendicular to said first coordinate direction (56 and 30), automatically scanning said work material to determine a periphery (30), automatically detecting flaws (30), and that

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the step of providing a cutting head and a scanning head includes providing the cutting head and the scanning head on opposite longitudinal sides of the carriage (Fig. 1) but fails to disclose nesting a pattern piece onto the work material while simultaneously cutting the previously nested pattern piece and that the work material comprises a hide. Plumley et al. (2004/0055691) teaches nesting a pattern piece onto the work material while simultaneously cutting the previously nested pattern piece (Claim 19) and that the work material is a hide (14). Therefore it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Gerent et al.

(2001/0045148) with simultaneously performing the nesting and cutting functions, as taught by Plumley et al. (2004/0055691), to speed up the work that is being performed.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerent et al. (2001/0045148) in view of Plumley et al. (2004/0055691) as applied to claim 1 above, and further in view of Gerber (5,089,971). Gerent et al. (2001/0045148) and Plumley et al. (2004/0055691) discloses the invention but fail to disclose that the a vacuum generator for drawing the work material against the support surface, covering the work piece with a layer of impermeable material for being cut with the work piece, and operating the vacuum generator to draw the work material and the layer of impermeable material down against a support surface. Gerber (5,089,971) teaches that a vacuum generator for drawing the work material against the support surface (22 and 42), covering the work piece with a layer of impermeable material for being cut with the work piece (80), and operating the vacuum generator to draw the work material and the layer of impermeable material down against a support surface (42). Therefore it would

have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Gerent et al. (2001/0045148) in view of Plumley et al. (2004/0055691) with a layer of impermeable material and a vacuum generator, as taught by Gerber (5,089,971), to better hold the work piece in place while work is being performed.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1 and 3-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bercaits, Herman, Jr. ('444), Mikkelsen et al., Zink, and Herman, Jr. ('843).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 571-272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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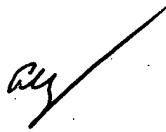
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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP  
February 15, 2005



Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700